

REMARKS

No claim amendments are made herein. Claims 1, 9, 10, 17, 20, 22-25 and 27-35 are pending in the application.

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

This response is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this response is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

Prior Art Rejections

On pages 3-11 of the Office Action, the Examiner rejected claims 1, 17, 19-20, 22-23, 25, 29, and 33-34 as unpatentable over Nishimoto, Published U.S. Application 2002/0155857, in view of Japanese Patent Publication 05181603 to Hotta et al. and Hoshino, Published U.S. Application 2002/0030668.

Referring to claim 1, it is submitted that the cited prior art, alone or in combination, does not teach or suggest:

a control unit changing an operation mode of said pointing device according to a positional orientation of contents displayed on said display screen at the time said pointing device is operated,

wherein said control unit determines a direction in which said operational object can be moved on said display screen according to said operation mode to limit the movement of the operational object on the display screen to less than the 360-degree direction based on the positional orientation of contents displayed on the display screen.

The Examiner acknowledges, at page 5 of the Office Action, that the combination of Nishimoto and Hotta et al. does not disclose a device wherein a control unit determines and changes the operation mode of the pointing device according to a positional orientation of the content. The Examiner attempts to make up for this deficiency with Hoshino. However, it is submitted that Hoshino fails to make up for this deficiency because Hoshino does not teach “changing an operation mode of said pointing device according to a positional orientation of contents displayed on said display screen at the time said pointing device is operated,” as recited in claim 1. The Examiner points to paragraph [0094] and the abstract of Hoshino as teaching the above-discussed feature of claim 1. However, the applicants can find no disclosure in paragraph [0094] or the abstract of Hoshino that teaches “changing an operation mode of said pointing device according to a positional orientation of contents displayed on said display screen at the time said pointing device is operated.”

The invention of claim 1 provides a control unit for changing an operation mode of the pointing device according to a positional orientation of contents displayed on the display screen at the time the pointing device is operated. Furthermore, the control unit determines a direction in which the operational object can be moved on the display screen according to the operation mode to limit the movement of the operational object on the display screen to less than the 360-degree direction based on the positional orientation of contents displayed on the display screen. Thus, the present invention as set forth in claim 1 provides a pointing device which has a limited range of movement selected based upon the positional orientation of the current display on a display screen.

For example, when the invention of claim 1, is incorporated into the main control unit (CPU) of a device such as a mobile telephone, PDA, or the like, it is quite likely that the device will be capable of running many different applications in which it is desirable for the user to be able to move the pointing device in any direction, such as the Internet, games, etc. Thus, when one of these applications is running, the control unit of claim 1 allows the pointing device to move the operational object in any direction. However, other applications that run on the device may contain more traditional interfaces in which icons are aligned in a straight line manner. When running theses applications, it may be difficult to operate the operational object in any

direction and, therefore, it is more desirable to limit movement of the operational object to only the directions in which the icons are arranged. In this situation, the control unit of claim 1 limits the movement of the operational object. As such, the control unit of claim 1 controls the functionality of the operational object based on the positional orientation of the contents displayed on the display screen just when the pointing device is operated. In other words, the control unit of claim 1 automatically changes the operational mode of the pointing device according to contents displayed on the display screen. These features are not taught by Hoshino.

Hoshino is merely directed to a pointing device on a portable information terminal (such as a mobile phone) in which a pick-up element for reading an image of a fingerprint is installed below a display screen (LCD-type screen) for displaying information. The pick-up element of the pointing device detects a difference in a position of a finger over a period of time (from t1 to t2) and shifts a pointer corresponding to the detected change in the position of the finger. Hoshino refers to the fingerprints as images, but these images do not correspond to the "contents" of claim 1, as indicated by the Examiner. These fingerprint images are not on the display screen 3 of the device of Hoshino, but are instead read from the pick-up element 4c located below the display screen 3. Hoshino does not even discuss the orientation of content on the display screen 3 and, therefore, cannot provide for changing an operation mode of the pointing device according to a positional orientation of contents displayed on the display screen at the time said pointing device is operated, as provided by claim 1.

For the above reasons, it is submitted that claim 1 patentably distinguishes over the cited prior art.

Claims 9, 10, 17, 20, 30, 33 and 34 depend, directly or indirectly, from claim 1 and include all the features of that claim plus additional features which are not taught or suggested by the cited prior art.

Claim 23 is directed to a method for controlling a pointing device and recites:

changing an operational mode of said pointing device in advance according to a positional orientation of contents displayed on said display screen at the time said pointing device is operated,
wherein a direction in which said operational object can be moved on said display screen is determined according to said operation mode to limit the movement of the operational object on the display screen to less than the 360-degree direction based on the positional orientation of contents displayed on the display screen.

Therefore, it is submitted that claim 23 patentably distinguishes over the prior art.

Claims 24 and 31 depend, directly or indirectly, from claim 23 and include all of the features of that claim plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that claims 24 and 31 patentably distinguish over the prior art.

Claim 25 is directed to a mobile telephone and recites:

a control unit changing an operation mode of said pointing device according to a positional orientation of contents displayed on said display screen at the time said pointing device is operated,
wherein said control unit determines a direction in which said operational object can be moved on said display screen according to said operation mode to limit the movement of the operational object on the display screen to less than the 360-degree direction based on the positional orientation of contents displayed on the display screen.

Therefore, it is submitted that claim 25 patentably distinguishes over the prior art.

Claims 27, 28, 29 and 32 depend, directly or indirectly from claim 25 and include all the features of that claim, plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that these claims patentably distinguish over the prior art.

On pages 11-15 of the Office Action, the Examiner rejected claims 9-10, 24, 27-28, and 30-32 as unpatentable over Nishimoto in view of Hotta et al. and Hoshino and further in view of U.S. Patent 6,765,598 to Kim.

The Examiner's rejections are traversed below.

Kim fails to make up for the deficiencies in the combination of Nishimoto, Hotta et al., and Hoshino noted above with respect to independent claims 1, 23, and 25. Claims 9-10, 24, 27-28, and 30-32 depend from these independent claims and include all the features of the respective independent claim, plus additional features which are not taught or suggested by the prior art. Therefore, it is submitted that claims 9-10, 24, 27-28, and 30-32 patentably distinguish over the prior art for at least the reasons noted above.

On pages 15-17 of the Office Action, the Examiner rejected claim 35 as unpatentable over Nishimoto in view of Hotta et al.

None of the cited prior art discusses or suggests:

a control unit configured to switch an operation mode of the pointing device between a mode in which the operational object has 360-degree movement on the display screen and a mode in which the operational object is limited to less than 360-degree movement on the display screen according to an application that is running on the mobile communication apparatus at the time the pointing device is operated,

as recited in claim 35. In other words, the invention of claim 35 provides a control unit for changing an operation mode of the pointing device between a mode in which the operational object has 360-degree movement and a mode in which the operational object is limited to less than 360-degree movement, according to an application that is running on the mobile communication apparatus at the time the pointing device is operated. These features are not taught by the cited prior art. The Examiner has failed to address the limitation concerning limiting movement "according to an application that is running on the mobile communication apparatus at the time the pointing device is operated," as recited in claim 35.

Thus, it is submitted that claim 35 patentably distinguishes over the prior art.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

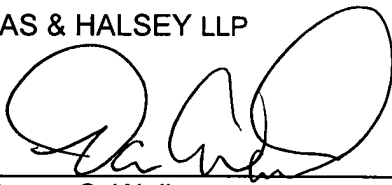
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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